

Order

Michigan Supreme Court
Lansing, Michigan

September 11, 2009

Marilyn Kelly,
Chief Justice

138368

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 138368
COA: 288693
Oakland CC: 2007-217140-FH

DANIEL JAMES MCKELVIE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 12, 2009 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. For purposes of MCR 6.502(G)(1), the Court notes that, contrary to the Court of Appeals characterization of the defendant's application as relating to a motion for relief from judgment, the defendant's application sought leave to appeal a judgment of conviction. The application was properly denied, however, due to the lack of merit in the grounds presented.



d0831

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 11, 2009

Corbin R. Davis

Clerk